

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
September 25, 2019

The Highland Board of Zoning Appeals met on September 25, 2019 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Martini.

ROLL CALL: Present were Board Members Mr. Martini, Mr. Leep and Mrs. Murovic. Also present were Building Commissioner/Zoning Administrator, Mr. Ken Mika, Town Attorney Mr. Jared Tauber and Town Council Liaison Mr. Steve Wagner.

MINUTES: The minutes of the August 28, 2019 meeting were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be October 23, 2019 at 6:30 p.m.

COMMUNICATIONS: None

Old Business: None

New Business: Public Hearing for Lindsey Rockymore, 2104 E. 171st Place, South Holland, IL 60473, requesting a use variance for a childcare facility located at 2933 45th Street, Highland, IN 46322. {HMC 18.35.040} Permitted uses in a B-1 District do not include daycare.

Mrs. Murovic informed the petitioner that there were two board members absent this evening and that Ms. Rockymore had the option of continuing the hearing until the next BZA meeting in October. Mr. Tauber stated that any decision reached this evening would have to be unanimous to be effective, as there is a three vote minimum for the decision to pass. Ms. Rockymore stated she would like to proceed with the hearing.

Mr. Tauber stated he had reviewed the Proofs of Publication and they were in compliance with IC 5-3-1.

Ms. Lindsey Rockymore stepped forward and introduced herself and stated her address as 2104 E. 171st Place, South Holland, IL 60473. She then handed out a prepared package to each of the board members, consisting of a printed PowerPoint presentation and a floor plan with the layout of her proposed childcare facility.

Ms. Rockymore stated that she was requesting a Use Variance to open a childcare facility at 2933 45th Avenue in Highland. She also stated that she currently had a home daycare named

Tots o'Love in South Holland and has had it for the past seven years. She has one assistant and between them they have 27 years' experience with child care. Because of the fact that she has had a waiting list there for the past few years, she wanted to expand. After checking out all the nearby areas, she found that Highland had a real need for daycare because all the current facilities in the area had no openings for infant/toddler programs and most had waiting lists. Her daycare would consist of care for children from six weeks to four years old.

Ms. Rockymore stated that she has a degree in Early Childhood Education with a concentration in Infant/Toddler Development. She would love to expand her business and locate in Highland due to the need for this type of care facility. She also stated that she loved the fact that the Highland property she is interested in was a home that has been converted to a business, so she will still have the home feel there, which is unique and appealing for this type of business. She also liked that there will be a maximum of 16 children and the space will not be over-crowded. She stated that every family she currently has looked for a home daycare facility, and prefer that atmosphere to a larger facility. They feel their children will receive the attention they need at a smaller facility.

Ms. Rockymore went on to say that she was very big on the health and safety of the children in her care. She stated that she has been in compliance with DCFS since after her first year in business and has had no violations or issues with safety or children being hurt. She also stated that she is big on the bond between children and family. She feels the location she is interested in Highland would allow this to continue. She went on to say that her facility would include an infant program, a toddler program and a pre-school prep program. She would also like to include a night care program in the near future. She continued that she is "Go Green" and that all the products she will use in her facility are environmentally friendly. The meals would be freshly prepared every day and she was big on not serving any processed foods to the children. She also stated that there will be air purifiers placed all around the facility to ensure the air stays as clean as possible and helps to ward off any germs and viruses that may be present. She then stated that the inside of the house is in good shape for her to open her facility; however, she will be adding a fence and a playground area to the backyard for the safety and welfare of the children. Other than this outside area, everything else is up to code. She stated that she was aware that she will have to get her Indiana State License, also. Ms. Rockymore also stated an interest in working with High School students, mostly seniors that were interested in childcare careers and hoped there would be work study programs for them to work part-time after or during school hours in her facility. She also expressed her interest in community programs and mentioned she had just completed one for back-to-school jobs for students in her area. They raised enough money for uniforms, school supplies and book bags for 15 students.

Ms. Rockymore continued to say that if she is approved for this Use Variance, her lease will include the option to buy in a couple of years. The current owner of the property had two buildings for sale, the other being directly next door. She would eventually like to acquire both properties and have the infant/toddler program in one and the pre-school program in the other. She also stated that she would like to branch out to parenting classes, offering newer parents guidance on how to raise children, with advice on discipline, nutrition, cold season and how to handle certain situations.

Mrs. Murovic then opened the discussion to the public. Hearing no remonstrance, she closed the public discussion and brought the discussion back to the board. Mr. Martini asked Ms. Rockymore to elaborate on her current home business. Ms. Rockymore answered that she had been in business for almost seven years and had eight children during the day and eight children at night. She also stated that her home care business was full, had been for the past six years and she had a waiting list with four children on it. Her business was referral-based and that she had not promoted her business since the first year. Mr. Martini then asked about her plans in Highland, how many children she planned to set up the facility for and what the ages of the children would be. Ms. Rockymore replied that she was to have 12 children in the first year, then 16 in the second, which would be the maximum for that facility. The ages of the children in her facility would range from six weeks to 4 years old. He also asked about the times that the children would be dropped off and picked up at the facility and if she could explain what was meant by nighttime care. Ms. Rockymore replied that the facility would be operational from 6 a.m. to 6 p.m. Monday through Friday. She also stated that the facility would have four rooms, an infant playroom, an infant nap area, a toddler/pre-school nap area and the main pre-school room. There is also a kitchen and a bathroom. The staff would consist of herself, one full-time assistant and a part-time assistant. The drop off and pick up times would vary with the parents schedules. Ms. Rockymore stated that she had another class to take to familiarize herself with Indiana law, but if she is approved for the nighttime care it would operate from 6 p.m. to midnight. She then explained that the night care would include dinner soon after they arrived, activities afterward and then the children would be down for bed at around 8 or 9 p.m. The children would then be picked up by or before midnight. She also stated that she would be opening and closing the facility herself. She stated that her facility would be closed on major holidays and every weekend. Mr. Martini then asked about supervision in the smaller rooms. Ms. Rockymore confirmed that no matter where the kids were, either she or her assistants had a close eye on the children. When the children were sleeping, there would be monitors that would alert them to any child needing attention. She also stated that she was very careful to sterilize toys and other surfaces touched by the children to ward off germs and viruses. Mr. Martini then addressed parking issues that might arise, and the possibility that parents dropping off children might be using the parking lots of the neighboring business. Ms. Rockymore pointed out that it was rare for children to be dropped off in groups and their arrivals and departures would typically be staggered, so she did not foresee a problem in that area. She also pointed out that she felt there were adequate spots for her needs as there would only be two to three employees at the site at any given time. Mr. Mika confirmed that there were 12 parking spaces at the property. Mr. Martini suggested Ms. Rockymore check with the neighboring business, Family Video, to confirm parking rules and requirements. Ms. Rockymore agreed. She stated that when the parents drop off the children, she had a conversation with them concerning any news about the child on that particular day and that it generally lasted approximately 5 - 10 minutes. The parking space would only be occupied for that amount of time before it was available again.

Mr. Martini then asked about entrances to the property. Ms. Rockymore was unsure of exactly where it was, but felt that there was either a side or rear entrance besides the front.

Mr. Mika then asked about the floor plan she had and how she might be changing the layout of the facility. He was given a floor plan layout. He also stated that Ms. Rockymore would not be able to use the basement for the daycare. She stated she would not be using the basement. Mrs. Murovic asked where children that were sick or not feeling well would be kept if they had to be isolated. Ms. Rockymore replied it would be the kitchen, and that it

was so spacious that it would allow for this. She said all appliances would be on one side of the kitchen and that she felt there was enough room. She also pointed out that the bedrooms would not always be in use for napping and they could be used temporarily for isolation. They would be sanitized regularly afterward and throughout the day, also. Mr. Mika asked if the building in question had handicapped access available. This would be required to satisfy building code requirements. He also pointed out sprinkler code requirements. Ms. Rockymore replied that she did not have the ADA access, but would do whatever she had to meet the requirements to bring the property to code and meet all requirements. He also asked if she had been in touch with the State of Indiana to inquire about licensing in Indiana. Ms. Rockymore replied that she had been in touch with them. Mr. Martini asked about the possibility of using the basement for storage and if the sprinkler code would apply. Mr. Mika replied that it would and that there were specific fire codes that would apply to storage in the basement. Ms. Rockymore stated she did not plan to use the basement, but would do whatever was required to meet all the requirements necessary if she in fact decided to use the basement for storage in the future.

Mrs. Murovic pointed out that safety was a main concern, especially with such young children and that parking, entering and exiting was an issue. Mr. Martini stated he felt that the entrance and exiting from this location would not be a problem considering the similar center that had been operating in the area for years had no more accessibility.

Mr. Mika asked about the exterior of the property and what the plans were regarding play areas, etc. Ms. Rockymore replied that there would be a play area with a fence for the safety of the children, used only when the weather permitted. Mr. Martini stated that when the fence was installed, a permit would be necessary, with the Town's approval. She agreed that she would obtain a permit to install the fence when the time came. Mr. Mika then added that this property abuted residential districts on the sides and she should keep in mind that having children playing outside regularly could create a problem for the nearby residents. Ms. Rockymore pointed out that there was a near-by daycare center that had the same setup as she planned to have. Mr. Martini mentioned that as there would be a play area in the back, there would have to be a rear entrance/exit in the back to accommodate the area. Mrs. Murovic agreed and also pointed out that the decision reached at this meeting would only be a recommendation to the Town Council and that the Town Council would ultimately decide the matter at a meeting to be held in the future.

Mr. Martini motioned to grant a favorable recommendation to the Town Council, contingent upon the required second entrance/exit being in place at the property and the addition of the fence in the back yard to contain the proposed play area. Mr. Leep seconded and the motion was unanimously passed with a roll call vote of 3 – 0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Leep Time: 7:09 p.m.